

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ART ZULU, INC.,

Plaintiff,

-against-

IMPULSE WEAR, INC.  
d/b/a EARTH TONES TRADING CO.,

Defendant.

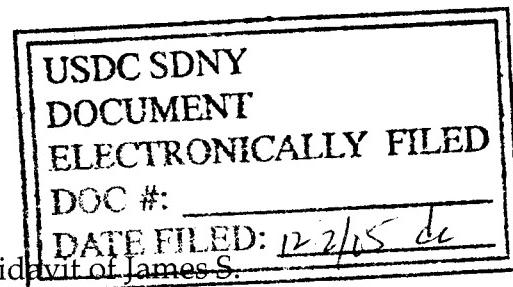
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PLEASE TAKE NOTICE that, upon the annexed Affidavit of James S.

COUNSEL FOR DFT(S): X  
PLTFF PRO SE: \_\_\_\_\_  
DFT. PRO SE: \_\_\_\_\_  
DATE: 11/30  
BY: DH

05-CV- 8735 (BSJ -HBP)

NOTICE OF MOTION



Savage dated November 28, 2005, the Certificate of Good Standing (annexed to Mr. Savage's Affidavit as Exhibit A); and the Affidavit of Adam J. Rader, Sponsoring Attorney, In Support of Motion For Attorney Admission *Pro Hac Vice* dated November 29, 2005 (annexed to Mr. Savage's Affidavit as Exhibit B), Defendant, Impulse Wear, Inc. d/b/a Earth Tones Trading Co. ("Earth Tones"), will move this Court before the Honorable Barbara S. Jones, United States District Judge, at the United States District Court for the Southern District of New York, Foley Square, 40 Centre Street, New York, New York 10007, on the

30<sup>th</sup> day of November, 2005, at 10:00

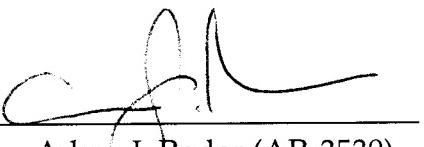
o'clock in the forenoon of that day, or as soon thereafter as counsel can be heard, for an Order granting Defendant's motion for *pro hac vice* admission of James S.

Savage, Esq., to represent Defendant Impulse Wear, Inc. d/b/a Earth Tones Trading Co. in the above-captioned matter in the United States District Court for the Southern District of New York.

Dated: New York, New York  
November 29, 2005

LACHER & LOVELL-TAYLOR.

By:

  
Adam J. Rader (AR-3530)

Attorneys for Defendant  
750 Lexington Avenue  
New York, New York 10021  
(212) 872-1500

**CERTIFICATE OF SERVICE**

The undersigned certifies that a true copy of the foregoing Notice of Motion, along with the attached Affidavit of James S. Savage and the exhibits annexed thereto and a true copy of the accompanying Proposed Order was served, via ordinary U.S. mail, first class postage pre-paid, this ~~29~~<sup>30th</sup> AJR day of November, 2005 to the attorneys for the Plaintiff at the following address:

Joel Stern, Esq.  
Carb, Luria, Cook & Kufeld, LLP  
521 Fifth Avenue, 9<sup>th</sup> Floor  
New York, New York 10175

An additional courtesy copy was provided to Plaintiff's counsel by facsimile.

  
Adam J. Rader (AR 3530)

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
-----X

ART ZULU, INC.,

Plaintiff,

Case No. 05-CV-8735 (BSJ-HBP)

vs.

IMPULSE WEAR, INC.  
d/b/a EARTH TONES TRADING CO.,

AFFIDAVIT OF  
JAMES S. SAVAGE

Defendant.

-----X

State of Ohio :  
: Ss.  
County of Franklin :

I, James S. Savage, having been duly cautioned and sworn, depose and state as follows:

1. I desire to be specially admitted *pro hac vice* to appear and participate as trial counsel for Defendant herein, Impulse Wear, Inc., d/b/a Earth Tones Trading Co. (“Impulse Wear”), in the matter of *Art Zulu, Inc. v. Impulse Wear, Inc., d/b/a Earth Tones Trading Co.*, United States District Court, Southern District of New York, Case No. 05-CV-8735.

2. I am a partner with the law firm of McFadden, Winner & Savage. Our offices are located at 175 South Third Street, Suite 210, Columbus, Ohio 43215, telephone number (614) 221-8868.

3. I graduated from the Washington University (St. Louis) College of Law in June of 1981. On November 6, 1981, I was admitted to practice law before the highest

Court in the State of Ohio. On March 21, 1983, I was admitted to practice before the United States District Court for the Northern District of Ohio. On April 11, 1985, I was admitted to practice before the United States Court of Appeals for the Sixth Circuit. Since the respective dates of these admissions, I have continued to practice in these courts and have at all times remained a member in good standing of the above listed bars.

See, current Certificate of Good Standing annexed hereto as Exhibit A.

4. I have not been held in contempt by any court or censured, suspended, disbarred or otherwise disciplined by any court or disciplinary committee. I have not been denied admission to the courts of any state or to any federal court.

5. Impulse Wear has asked me to represent it in the trial of this matter. If I am admitted *pro hac vice* to the Bar of this Court, I will be admitted solely for the purpose of representing Impulse Wear in this lawsuit and to conduct any and all necessary discovery in this matter and to participate in and conduct any trial of this matter which may ensue.

6. Upon my admission, I will be assisted and be associated in this matter with New York counsel of record, Adam J. Rader of Lacher & Lovell-Taylor, attorneys duly admitted and in good standing in the United States District Court for the Southern District of New York.

7. Since 2005, members of McFadden, Winner & Savage have worked in conjunction with Lacher & Lovell-Taylor on matters in the Federal Court of New York, including matters before the United States District Court for the Southern District of New York. See, Affidavit of Sponsoring Attorney, Adam J. Rader, annexed hereto as Exhibit B.

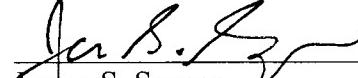
8. I have become acquainted with Adam J. Rader in connection with the above-captioned matter, and other Members of my firm have been acquainted with them since 2005.

9. There is good cause for my admission because this office has had an attorney/client relationship with Impulse Wear for a period of time and I am specifically familiar with the nature of the allegations of the case at bar.

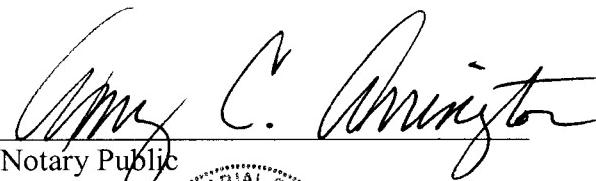
10. I am willing and able to comply with all rules of this Court relating to admission, professional conduct, and civil procedure.

11. I respectfully ask this Court to Grant me admission *pro hac vice* and allow me to appear before this Court until the conclusion of this case.

FURTHER AFFIANT SAYETH NAUGHT.

  
James S. Savage  
Ohio Registration No. 0019292  
McFadden, Winner & Savage  
175 South Third Street  
Columbus, Ohio 43215-5134  
Telephone (614) 221-8868  
Fax (614) 221-3985  
Email jssavage@earthlink.net  
Co-Counsel for Defendant  
Impulse Wear, Inc.,  
d/b/a Earth Tones Trading Co.

Sworn to before me and subscribed in my presence this 28<sup>th</sup> day of November, 2005.

  
Amy C. Arrington  
Notary Public  
  
NOTARIAL SEAL  
STATE OF OHIO  
AMY C. ARRINGTON  
Notary Public, State of Ohio  
My Commission Expires 06-05-10

Index No. **05-CV-8735 (BSJ)** Year  
**UNITED STATES DISTRICT COURT**  
**SOUTHERN DISTRICT OF NEW YORK**

RJI No. **2005**

Hon.

**ART ZULU, INC.,**

**Plaintiff,**

**-against-**

**IMPULSE WEAR, INC.**  
**d/b/a EARTH TONES TRADING CO.,**

**Defendant.**

**SO ORDERED:**

Barbara J.  
**U.S.D.J.**

11/30/05

**NOTICE OF MOTION**

**LACHER & LOVELL-TAYLOR**  
Attorney for **Defendant.**

*Office and Post Office Address, Telephone*  
750 Lexington Avenue, 4<sup>th</sup> Floor  
NEW YORK, NEW YORK 10022  
Tele: 212-872-1500

To

Signature (Rule 130-1.1-a)

Attorney(s) for

.....  
Print name beneath

Service of a copy of the within

is hereby admitted.

Dated,

.....  
Attorney(s) for

Please take notice

NOTICE OF ENTRY

that the within is a (*certified*) true copy of a  
duly entered in the office of the clerk of the within named court on  
 NOTICE OF SETTLEMENT

that an order  
settlement to the HON.  
of the within named court, at  
on

of which the within is a true copy will be presented for  
one of the judges

at

M

Dated,

Yours, etc.

**LACHER & LOVELL-TAYLOR**  
Attorney for